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February 7, 2005

Glen Belvis, Reg. No. 31,735

Name of applicant, assignee or  
Registered Representative

*[Signature]*  
Signature

2/7/05  
Date of Signature

Our Case No. 659-764  
K-C Ref. No. 14,645

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary L. SHANKLIN, et al.

Serial No. 09/753,136

Filing Date: December 29, 2000

For: ANTI-VIRAL LOTION TISSUE AND  
METHODS FOR MAKING AND USING  
THE SAME

)  
)  
) Examiner: Sharon L. Howard

)  
) Art Unit: 1615  
)  
)  
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)

### APPEAL BRIEF

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Appeal is in response to the Final Office Action mailed May 17, 2004,  
rejecting Claims 1-7, 10-20 and 25-30, all the claims pending herein.<sup>1</sup>

<sup>1</sup> Appellant filed a Notice of Appeal on November 12, 2004, along with a Petition for an Extension of Time of three months. Appellant files herewith a Petition for an Extension of Time of one month. Accordingly, the present Appeal Brief is timely filed.

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**(9) CONCLUSION**

In summary, Appellants respectively submit that claims 1-7, 10-20 and 25-30 are improperly rejected under 35 U.S.C. § 103(a), because the use of liquid polyester delivery aids at low concentrations according to Siegfried is incompatible with the use of high melting retention/release agents at high concentrations according to Luu. Consequently, Appellants respectfully submit that the rejection should be withdrawn and the claims should be allowed.

Respectfully submitted,



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Dated: February 7, 2005